

CALIFORNIA LEGISLATURE  
2009–10 REGULAR SESSION

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# SENATE DAILY JOURNAL

TWO HUNDRED ELEVENTH LEGISLATIVE DAY

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## IN SENATE

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Senate Chamber, Sacramento  
Wednesday, May 12, 2010

The Senate met at 9 a.m.  
Hon. Mark DeSaulnier, of the 7th District, presiding.  
Secretary Greg Schmidt at the Desk.  
Assistant Secretary Zachary L. Twilla reading.

### ROLL CALL

The roll was called and the following Senators answered to their names:  
Aanestad, Alquist, Ashburn, Calderon, Cedillo, Cogdill, Correa,  
Denham, DeSaulnier, Ducheny, Dutton, Florez, Hancock, Harman,  
Hollingsworth, Huff, Kehoe, Leno, Liu, Lowenthal, Negrete McLeod,  
Padilla, Pavley, Price, Romero, Runner, Simitian, Steinberg, Strickland  
(waving per diem,) Walters, Wolk, Wyland, and Yee—33.

Quorum present.

*(NOTE: Senators Wiggins and Wright will be excused this day on legislative business and Senators Corbett, Cox, and Oropeza will be excused this day due to illness.)*

### MESSAGES FROM THE GOVERNOR

Governor's Office, State Capitol  
May 12, 2010

*To the Senate of the State of California:*

I have the honor to transmit to you herewith the following appointments or reappointments heretofore made by me to offices which by law are to be filled by the Governor. These appointments are subject to Senate



confirmation and consent. I hereby nominate these appointees to you and request your confirmation and consent.

Sincerely,

ARNOLD SCHWARZENEGGER, Governor

C.C. YIN, has owned and operated McDonald's franchises in Solano and Yolo Counties since 1989. Previously worked as a structural engineer at Flour Corporation from 1971 to 1984, Bechtel Corporation from 1969 to 1971 and Austin Company from 1966 to 1969. Yin is a founding member and chairman of the Asian Pacific Islander American Public Affairs Association. Appointed 04/27/10. Effective 05/06/10.

Member, Trustees of the California State University, vice, Jeffrey L. Bleich, resigned, term ending 03/01/18.

RICHARD ROOS-COLLINS, is director of legal services for the Natural Heritage Institute since 1991. Previous deputy attorney general of the public rights division for the California Department of Justice from 1989 to 1991. Roos-Collins was attorney-advisor for the Office of the General Counsel at the U.S. Environmental Protection Agency from 1986 to 1989. He is co-chair of the Agriculture Water Management Council and a member of the Bay Delta Conservation Plan Steering Committee. Roos-Collins is also director of the Pacific Forest and Watershed Lands Stewardship Council and founding director of the Hydropower Reform Coalition. Appointed 03/19/10. Effective 04/22/10.

Member, Delta Stewardship Council, term ending 02/03/14.

GEORGE G. GOWGANI, PH.D., is a private education consultant since 1998 and has served on the California State University Board of Trustees since 2004. Previously worked for the California Polytechnic State University, San Luis Obispo as associate dean for the College of Agriculture, Food and Environmental Services from 1996 to 1998, head of the Horticulture and Crop Science Department from 1987 to 1996 and professor of weed control and crop physiology from 1967 to 1987. Reappointed 04/27/10. Effective 04/29/10.

Member, Trustees of the California State University, term ending 03/01/18.

Above appointments referred to the Committee on Rules.

## **REPORTS OF STANDING COMMITTEES**

### **Committee on Appropriations**

Senate Chamber, May 10, 2010

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 1269

Reports the same back with the recommendation: That the above measure be placed on second reading pursuant to Senate Rule 28.8 and amended.

KEHOE, Chair

Above measure ordered to second reading.



Senate Chamber, May 12, 2010

Mr. President: The Chair of the Committee on Appropriations, to which were referred:

SB 996

SB 1130

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

KEHOE, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 996**—An act to amend Section 214.16 of the Revenue and Taxation Code, relating to taxation.

Bill read second time.

**Senate Bill 1130**—An act to amend Section 2807 of the Penal Code, relating to corrections.

Bill read second time.

**Senate Bill 837**—An act to amend Section 1985.3 of the Code of Civil Procedure, to amend Section 1326.1 of the Penal Code, and to add Sections 589, 779.3, 2750, 2750, and 2751, and 8364.5 to, to add the heading of Chapter 4.5 (commencing with Section 2750) to Part 2 of Division 1 of, to add Chapter 10 (commencing with Section 5600) to Division 2 of, and to repeal the heading of Chapter 4.5 (commencing with Section 2771) of Part 2 of Division 1 of, the Public Utilities Code, relating to utility service.

Bill read second time.

**Senate Bill 971**—An act to add Article 5 (commencing with Section 125286.1) to Chapter 2 of Part 5 of Division 106 of the Health and Safety Code, relating to genetic disease services.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

**Committee on Rules**

Senate Chamber, May 12, 2010

Mr. President: The Chair of the Committee on Rules, to which were referred:

SB 910

SB 1051

AB 35

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

STEINBERG, Chair

**Second Reading of Bills—Author's Amendments**

**Senate Bill 910**—An act relating to state claims and declaring the urgency thereof, to take effect immediately.

Bill read second time.



**Senate Bill 1051**—An act to add and repeal Section 49414.7 of the Education Code, relating to pupil health.

Bill read second time.

**Assembly Bill 35**—An act to amend Section 66903 of the Education Code, relating to education.

Bill read second time.

The amendments were read and adopted and the measures ordered printed and re-referred to the committee.

#### **Committee on Transportation and Housing**

Senate Chamber, May 12, 2010

Mr. President: The Chair of the Committee on Transportation and Housing, to which was referred:

ACR 127

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

LOWENTHAL, Chair

#### **Second Reading of Bills—Author's Amendments**

**Assembly Concurrent Resolution 127**—Relative to the CHP Officer Larry Lynn Wetterling and San Bernardino County Sheriff's Lieutenant Alfred E. Stewart Memorial Highway.

Resolution read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **Committee on Appropriations**

Date of Hearing, May 10, 2010

Mr. President: The Committee on Appropriations, to which were referred:

SB 1445

SB 1475

Reports the same back with the recommendation: Do pass as amended.

KEHOE, Chair

Above measures ordered to second reading.

#### **Committee on Governmental Organization**

Senate Chamber, May 12, 2010

Mr. President: The Chair of the Committee on Governmental Organization, to which was referred:

AB 1643

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

WRIGHT, Chair



**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 1643**—An act to amend Section 25608 of the Business and Professions Code, relating to alcoholic beverages, and declaring the urgency thereof, to take effect immediately.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Health**

Senate Chamber, May 12, 2010

Mr. President: The Chair of the Committee on Health, to which was referred:

AB 1272

Reports the same back with author’s amendments with the recommendation: Amend, and re-refer to the committee.

ALQUIST, Chair

**Second Reading of Bills—Author’s Amendments**

**Assembly Bill 1272**—An act to amend Section 1798.161 of, and to add Section 1797.259 to, the Health and Safety Code, relating to public health.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

**Committee on Rules**

State Capitol, May 12, 2010

Mr. President: The Committee on Rules has considered the following appointments by the Governor and reports the same back with the recommendation that they be confirmed:

Rocky A. Burks, Member, California Commission on Disability Access (4-0)

Michael A. Dean, Member, California Commission on Disability Access (4-0)

Richard R. Luehrs, Member, California Commission on Disability Access (4-0)

Mark E. Martinez, Member, California Commission on Disability Access (4-0)

Mitchell Pomerantz, Member, California Commission on Disability Access (4-0)

Betty R. Wilson, Member, California Commission on Disability Access (4-0)

STEINBERG, Chair



State Capitol, May 12, 2010

Mr. President: The Committee on Rules has considered the following appointment by the Governor and reports the same back with the recommendation that he be confirmed:

Robert H. Alvarado, Member, California Transportation Commission (4–0)

STEINBERG, Chair

State Capitol, May 12, 2010

Mr. President: The Senate Rules Committee appointed the following members to the Academic Content Standards Commission for a term ending at the pleasure of the Committee:

Eleanor J. Evans (Oceanside), Scott M. Farrand (Carmichael), Kathleen E. Harris (Sebastopol), Matthew D. Perry (Davis), Hilda A. Villarreal Wright (Bakersfield)

STEINBERG, Chair

### **Committee on Appropriations**

Senate Chamber, May 12, 2010

Mr. President: The Chair of the Committee on Appropriations, to which was referred:

SB 1375

Reports the same back with author's amendments with the recommendation: Amend, and re-refer to the committee.

KEHOE, Chair

#### **Second Reading of Bills—Author's Amendments**

**Senate Bill 1375**—An act to amend Section 2883 of the Public Utilities Code, relating to telecommunications.

Bill read second time.

The amendments were read and adopted and the measure ordered printed and re-referred to the committee.

#### **INTRODUCTION AND FIRST READING OF SENATE MEASURES**

The following measure was introduced, read the first time and transmitted to the Committee on Rules:

**Senate Resolution 44:** By Senators Kehoe and Leno—Relative to Lesbian, Gay, Bisexual, and Transgender (LGBT) Pride Month.

#### **CONSIDERATION OF DAILY FILE**

#### **SECOND READING OF SENATE BILLS**

**Senate Bill 1047**—An act to amend Sections 798.4, 799, and 799.1 of the Civil Code, relating to mobilehomes.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to Consent Calendar.



**Senate Bill 1188**—An act to add Section 3049 to the Family Code, relating to child custody.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to Consent Calendar.

**Senate Bill 878**—An act to amend Sections 27297.6 and 27387.1 of the Government Code, relating to local government.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 909**—An act to amend Sections 1786.16 and 1786.20 of the Civil Code, relating to personal information.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 953**—An act to amend Section 2397 of the Business and Professions Code, relating to healing arts.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 972**—An act to amend Section 2778 of, and to add Section 2782.85 to, the Civil Code, relating to indemnity.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 1355**—An act to add Section 4007.5 to the Family Code, relating to child support.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 1427**—An act to amend Section 2929.3 of, and to add Sections 2929.4 and 2929.45 to, the Civil Code, relating to foreclosures.

Bill read second time.

The amendments proposed by the Committee on Judiciary were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 879**—An act to amend Section 20175.2 of, and to amend and repeal Section 20133 of, the Public Contract Code, relating to public contracts, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.



**Senate Bill 1035**—An act to amend, repeal, and add Section 12811.1 of the Public Utilities Code, relating to utility charges.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1093**—An act to amend Section 8276.4 of the Fish and Game Code, relating to fish and game.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1138**—An act to add Article 1.5 (commencing with Section 19218) to Chapter 5 of Part 3 of Division 9 of the Food and Agricultural Code, relating to slaughtered animals.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1142**—An act to add Section 10252.5 to the Public Resources Code, relating to agricultural resources.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1146**—An act to amend Sections 22165 and 22166 of, and to add and repeal Article 3.5 (commencing with Section 22348) of Chapter 2 of Division 9 of, the Financial Code, relating to finance lenders.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1168**—An act to amend, repeal, and add Sections 937 and 939.2 of, and to add and repeal Sections 904.9 and 923.1 of, the Penal Code, relating to grand juries.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1174**—An act to add Section 65302.10 to the Government Code, relating to land use.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1204**—An act to amend Sections 290.013 and 290.015 of the Penal Code, relating to sex offenders.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1230**—An act to add Part 12.5 (commencing with Section 2696) to Division 2 of the Labor Code, relating to human trafficking.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1244**—An act to amend Sections 621 and 13009 of, and to add Sections 623 and 928.7 to, the Unemployment Insurance Code, relating to employment taxes, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1317**—An act to add Section 270.1 to the Penal Code, relating to truancy.

Bill read second time, ordered engrossed, and to third reading.





**Senate Bill 1340**—An act to amend Section 44272 of the Health and Safety Code, relating to energy.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1363**—An act to add Section 17405.5 to the Financial Code, relating to escrow agents.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1418**—An act to amend Sections 2550, 2551, 2555, and 2557 of the Streets and Highways Code, relating to highways.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1452**—An act to amend Section 3000.03 of the Penal Code, relating to parole.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1454**—An act to repeal Chapter 5.8 (commencing with Section 42359) of, and to repeal and add Chapter 5.7 (commencing with Section 42355) of, Part 3 of Division 30 of the Public Resources Code, relating to recycling.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 880**—An act to add Article 3 (commencing with Section 115810) to Chapter 4 of Part 10 of Division 104 of the Health and Safety Code, relating to public safety.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 892**—An act to amend Section 1569.17 of the Health and Safety Code, relating to care facilities.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 961**—An act to add Section 1367.655 to the Health and Safety Code, and to add Section 10123.205 to the Insurance Code, relating to health care coverage.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1008**—An act to amend, repeal, and add Sections 6738 and 8729 of the Business and Professions Code, and to amend, repeal, and add Sections 16101, 16956, and 16959 of the Corporations Code, relating to the practice of engineering and land surveying.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1029**—An act to amend Sections 4145 and 4148 of, and to repeal Section 4140 of, the Business and Professions Code, and to amend Section 11364 of, to add Section 121281 to, and to repeal Chapter 13.5 (commencing with Section 121285) of Part 4 of Division 105 of, the Health and Safety Code, relating to public health.

Bill read second time, ordered engrossed, and to third reading.



**Senate Bill 1033**—An act to amend Section 38570 of the Health and Safety Code, relating to air pollution.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1049**—An act to amend Sections 1269c and 1270.1 of the Penal Code, relating to crimes.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1215**—An act to add and repeal Chapter 10.2 (commencing with Section 4529.25) of Division 5 of the Government Code, relating to public contracts.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1246**—An act to amend Sections 1206.5, 1209, and 3613 of, and to add Sections 3640.2 and 3640.3 to, the Business and Professions Code, relating to naturopathic medicine.

Bill read second time, ordered engrossed, and to third reading.

**Senate Bill 1368**—An act to amend Sections 1797.98b, 129040, and 129050 of the Health and Safety Code, and to amend Sections 12695.18 and 12705 of the Insurance Code, relating to health, and making an appropriation therefor.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 1392**—An act to amend Sections 50408 and 53545 of the Health and Safety Code, relating to housing.

Bill read second time, ordered engrossed, and to Consent Calendar.

**Senate Bill 1395**—An act to add Chapter 3.56 (commencing with Section 7152) to Part 1 of Division 7 of the Health and Safety Code, and to amend Section 12811 of the Vehicle Code, relating to organ donation.

Bill read second time.

The amendments proposed by the Committee on Appropriations were read and adopted and the measure ordered printed, engrossed, and to third reading.

**Senate Bill 1216**—An act to amend Sections 12206, 17058, and 23610.5 of the Revenue and Taxation Code, relating to taxation, to take effect immediately, tax levy.

Bill read second time.

The amendments proposed by the Committee on Revenue and Taxation were read and adopted and the measure ordered printed, and re-referred to the Committee on Appropriations.

**Senate Bill 1345**—An act to amend Section 653o of the Penal Code, relating to dead animal parts.

Bill read second time, ordered engrossed, and to third reading.



**RE-REFERENCE TO COMMITTEE**

Pursuant to Joint Rule 10.5, **SB 1362** was re-referred to the Committee on Appropriations.

**MEASURES WITHDRAWN FROM COMMITTEE**

Without objection, **SCR 109, SR 43, ACR 101,** and **SJR 27** were withdrawn from Committee and placed on third reading.

**SPECIAL CONSENT CALENDAR SET**

Without objection, the following measures will be set as a Special Consent Calendar to be taken up on Monday, May 17

- |         |         |         |         |
|---------|---------|---------|---------|
| SB 953  | SB 1244 | SB 1363 | SB 892  |
| SB 1008 | SB 999  | SB 1041 | SB 1187 |

**CONSIDERATION OF DAILY FILE (RESUMED)**

**THIRD READING OF ASSEMBLY BILLS**

**Assembly Bill 15**—An act to amend Sections 218, 17207, and 24347.5 of, and to add Sections 170.5, 195.149, 195.150, and 195.151 to, the Revenue and Taxation Code, relating to disaster relief, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.

Bill read third time.

**Amendments Adopted**

Amendments to AB 15 proposed by Senator Padilla were read and adopted and the measure ordered printed and to second reading.

**LEAVES OF ABSENCE FOR THE DAY**

The following Senators were granted leaves of absence for the day due to legislative business: Senators Wiggins and Wright.

The following Senators were granted leaves of absence for the day due to illness: Senators Corbett, Cox, and Oropeza.

**ADJOURNMENT**

At 3:30 p.m., the Senate adjourned until 9 a.m., Thursday, May 13, 2010.

PAULA K. ROSSETTO, Minute Clerk

